

ONE JUROR CHOSEN  
OUT OF FIFTY CALLED.

Now There Are Two Whose  
Words May Mean Life or  
Death to Mrs. Fleming.

David S. Hotelling, the First Talesman  
to Be Examined, Satisfies  
Both Sides.

THE ACCUSED IS PALE AND GRAVE.

She Passed a Miserable Night in Her  
Tombs' Cell After the First Day of  
the Trial for the Poisoning of  
Her Mother.

Fifty talesmen examined and one ac-  
cepted!

That was the result of the effort yester-  
day to secure a jury for the trial of Mrs.  
Mary Alice Almont-Fleming in Part II.  
General Sessions. On Monday one juror,  
Charles B. O'Far, was secured, out of thirty  
talesmen. Two panels have been ex-  
hausted. A third one hundred names will  
be submitted to-morrow.

Mrs. Fleming was in her seat near her  
counsel, Messrs. Brooke, Shaw, Nathan &  
O'Far, when Recorder Goff entered the  
court at 10:20 a. m. She was accompanied  
into court by her sister. She said she  
had passed a miserable night in her cell in  
the Tombs, as her baby was sick. She  
walked into court with a defiant air, but  
as she passed Mrs. Clarke one of the women  
connected with the Vincent de Paul  
Society, she stopped and kissed her. Her  
first words as she sat down by her sister  
were: "I wonder if baby is all right? I  
hated to leave the little darling."

She was annoyed because a morning  
newspaper had quoted her as using profane  
words to Police Inspector McCullough.

"I never used an improper word in my  
life," she said, with quivering lips.

The defendant was pale and seemed ill  
at ease until after recess, when she had  
visited her infant and made a luncheon of  
tea and sandwiches.

A new panel of 100 talesmen was ordered  
for yesterday. The Recorder announced a  
fine of \$50 upon all who should fail to at-  
tend after proof of legal notice had been  
made. He then excused about twenty-five  
out of the seventy-five who had answered  
to their names.

JUROR NO. 2.

The first man called was David S. Hotelling,  
a real estate dealer, of No. 96 Broad-  
way. He was not opposed to circumstan-  
tial evidence, and would convict upon such  
evidence if satisfied with it. He said he  
was thirty-seven years of age and lived  
with his family, at No. 1479 Washington  
avenue. In reply to Mr. Brooke he said  
his mind was as free from bias or impres-  
sion as though he had never heard of the  
case at all. He would not accept expert  
testimony as positive fact, but merely as  
opinion testimony. He would not be in-  
fluenced by any other power upon earth  
except his own conscience and his own  
judgment. Mr. Hotelling was accepted and  
became Juror No. 2.

At this point Recorder Goff ordered all  
talesmen whose names had not been called  
to retire from the court room.

John G. Begg and Louis Green were ex-  
cused without question; also, Frank C.  
Heintz, Martin Linn, of No. 54 West  
Ninety-sixth street, was opposed to the ex-  
ecution of women. Simon Brewer, of No.  
55 White street, could not convict on cir-  
cumstantial evidence. Herman G. Llemeyer,  
of No. 117 West Ninetieth street, was  
excused by consent.

A talesman was called as William Schneeweiss,  
but said he was John W. Schneeweiss,  
and the senior counsel for the de-  
fendant declined to consider him. John  
Raleigh, of No. 406 East One Hundred and  
Forty-seventh street, was a retired policeman.  
He was invited to retire at once.

Leopold Kellar, a butcher, doing business  
on Second avenue, was asked some hy-  
pothetical questions by Mr. Brooke. One  
poser was thus constructed:

"Suppose the Court should charge you  
that a juror should endeavor to reconcile  
apparently conflicting statements of wit-  
nesses so as to avoid if possible a conclu-  
sion that one or more of the witnesses had  
committed perjury, would you get any idea  
from that?"

Mr. Kellar's answer was somewhat con-  
fused, and he was retired.

Welcome H. Sheldon, a hotelkeeper at  
No. 16 East Twenty-second street, was  
summarily disposed of by a peremptory  
challenge from Mr. Brooke. The first tales-  
man called after recess was Clinton J.  
Mills, whose preconceived notions on capital  
unishment unfitted him, in the opinion  
of counsel, to sit in the jury box. William  
Wall could not conscientiously convict a  
woman of murder in the first degree on cir-  
cumstantial evidence, and after Mr. Brooke  
had said the talesman was acceptable, Mr.  
Mullin spoke to Recorder Goff, and said  
he knew Dr. Bullman, one of the witnesses  
in the case. The prosecution consented to  
excuse him.

ALMOST ANOTHER JUROR.  
William H. Duncan, of Fordham, was  
excused, and then Albert E. McMullin,  
who is in business in West Washington  
Market as a produce dealer, said he was  
not opposed to capital punishment. After  
the usual questioning and after Mr. Brooke  
had said the talesman was acceptable, Mr.  
Mullin spoke to Recorder Goff, and said  
he knew Dr. Bullman, one of the witnesses  
in the case. The prosecution consented to  
excuse him.

William Spencer, of No. 1755 Third ave-  
nue, was disqualified because he was  
seventy-three years of age. Francis Gal-  
lager, of No. 132 East One Hundred and  
Eleventh street, would not convict a per-  
son of murder in the first degree on cir-  
cumstantial evidence. Thomas Miller, of  
No. 206 West Thirty-sixth street, was ex-  
cused because he was nearly seventy years  
of age. Recorder Goff said it was singular  
that last Spring Miller was sixty-two. "I  
think counsel might occasionally test tales-  
men for veracity," said the Recorder.

A real estate dealer named Gustave Roeder,  
of No. 214 East Eighty-sixth street,  
started the court by announcing that he  
was opposed to punishment of any kind  
or crime. He was promptly shut out.

William Kline said his business was "bot-  
tle" in East Fifty-eighth street. Mr. Mc-  
Guff quoted a long question from Pro-



"Have you conscientious scruples against  
the infliction of the death penalty?"



"The probative force of circumstantial  
evidence depends upon the closeness of con-  
nection between the fact inferred and the  
fact from which the inference is drawn."  
What would these words convey to you?"



"I would never vote for the infliction of  
the death penalty upon a lady."



"Are you married?"



"If you were told 'That in order to jus-  
tify the inference of legal guilt from cir-  
cumstantial evidence the inculpatory facts  
must be absolutely incompatible with the  
innocence of the accused,' how would you  
understand that?"

## A FEW QUESTIONS SHOWING HOW EASY IT IS NOT TO BE ON THE JURY TO TRY MRS. FLEMING.

essor Greenleaf, which Mr. Kline did not  
understand.

"I do not wonder that," said Mr.  
Brooke. "I regard the English as decidedly  
doubtful." Mr. Kline was not needed.

William J. Wiley, of No. 368 West Fifty-  
first street, had served as a juror in the  
case of Maria Barberi and was peremptor-  
ily challenged by the defense. Martin  
Lyons, a rock excavator, of No. 410 East  
One Hundred and Second street, was ex-  
cused because a friend of his once had  
desk room in Lawyer John P. Shaw's office.  
Frederick Hendrich, of No. 1192 Park ave-  
nue, answered Mr. McIntyre's queries  
readily, but had opinions which would in-  
fluence his verdict and was not wanted.

Jacob Ginger, a metal worker, of No.  
218 West Thirty-seventh street, was then  
called. Mr. Brooke agreed with Mr. Mc-  
Intyre that it was desirable to keep Mr.  
Ginger out of the case. Mrs. Fleming  
smiled, the first time during the day.

Washington I. Butler said Mr. McIntyre  
had bought cigars of him.

"Whew!" said Mr. Brooke, "the defense  
challenges peremptorily."

Mrs. Fleming was sent back to her baby  
in her cell at 5:20 and the court adjourned  
until 10:30 a. m. to-day.

## OPEN AIR FOR THE HIPPOS

Big Fellows in Central Park Transferred  
to Their Summer Tank—Betsy in  
New Quarters.

The two big hippopotami of the Central  
Park Zoo were removed to their summer  
quarters in the large out-of-door tank yester-  
day by an interested crowd, and many  
stood about the big tank all day.

A passageway, with high wooden slides,  
was built from the old quarters in the  
lion house to the outside tank. Then the  
cage was opened and the "hippos" were  
proddingly given to understand that they  
were at liberty to go out. They are very  
slow and very heavy animals, but there  
was nothing either heavy or slow about  
their movements when once the fact en-  
tered their sluggish brains that they could  
leave the old quarters. It seemed to the  
amazed spectators as if they sped through  
the fifty feet of passageway in a single  
jump. The baby hippo and its mother are  
still in their own tank in the lion house.

Betsy, the sea cow, was transferred  
to the tank vacated by the two big "hip-  
pos," and for the first time the public was  
given a chance to look at her. She kept  
out of sight at the bottom of the tank most  
of the time, and when it was necessary  
to come up to breathe she merely poked  
the tip of her nose out for an instant.

## LIVE WIRE; DEAD HORSES.

Smith Loses a Team Because of a Broken  
Current.

While passing through Nostrand avenue,  
Brooklyn, yesterday, one of Stephen D.  
Smith's teams of horses were struck by a  
broken electric light wire. One horse  
dropped dead and his mate was hurt so  
badly that he had to be shot.

The driver, John Roper, of No. 515 Baltic  
street, narrowly escaped contact with the  
wire, which was dangling in front of No.  
707 Nostrand avenue.



## ONE JUROR CHOSEN OUT OF FIFTY TALESMEN EXAMINED.

After a few had been questioned, Recorder Goff ordered that all the remaining talesmen be removed from  
the court room to await their turns in a small ante-room. They were there guarded by two court officers, so  
that those waiting should not profit by the questioning of others.

## THE WHEEL AGAINST TIME ACROSS THE CONTINENT.

A LONG time ago, before there was a  
railroad west of the Missouri River,  
the United States Government paid  
out a whole lot of money in the  
maintenance of what was known  
as the "Pony Express." Relays of  
riders and relays of ponies hustled the let-  
ter-mail along to the Pacific coast, notwith-  
standing such unpleasant obstacles as cy-  
clones, washouts and Indians. The Gov-  
ernment is not looking for a breakdown of  
the trains and telegraph, but it behooves  
a country to be independent of their ordi-  
nary means of communication, and to some  
extent the greatest event in the bicycling

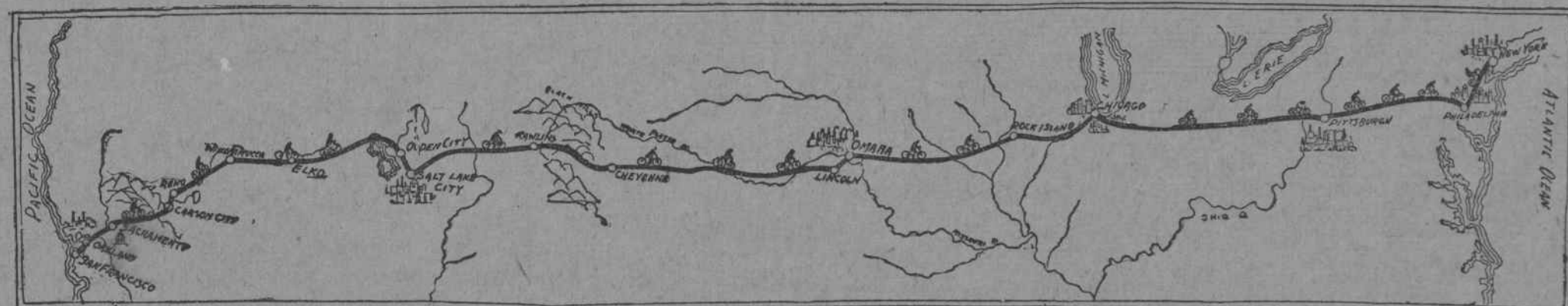
of the event, which will be a classic in  
bicycle history, will be the Journal-Ex-  
aminer Yellow Fellow Transcontinental Relay.  
If the plans determined on are carried out,  
a message will leave the hand of the com-  
mandant at Governor's Island and be deliv-  
ered exclusively by bicycle to the command-  
ant of the Presidio of San Francisco. The  
details of the plan have not been accurately  
worked out as yet. There is an enormous  
lot of work ahead before it is determined  
how far each rider shall go, where the sta-  
tions shall be set, and who the riders shall  
be.

As it is purely a question of speed, the

Intention was to put professional riders on  
the wheels and trust to their rivalry to  
bring the message through in the quickest  
possible time. After a good deal of consid-  
eration this plan was dropped and it is now  
the intention to place the message in the  
hands of the fastest local riders on every  
division, the idea being that they know the  
roads better than any other, and that their  
knowledge of the country through which  
they will have to ride will more than offset  
the difference between amateur and profes-  
sional speed. If the Government was send-  
ing the message it would probably have to  
depend on riders selected from the various  
army corps, and as this transcontinental  
ride has a utilitarian purpose, the idea is to

bring the details of the great relay. Every  
yard of the distance from Governor's Island  
to the Atlantic to the Presidio on the  
Pacific will be charted before the race  
comes off. Already some word of the great  
intention has been circulated, and the bicy-  
cle people are looking up old records and  
making new ones with a view to striving  
for the post of honor. Probably the relays  
will be about fifty miles where the roads  
are good and the country level, and consid-  
erably less in the mountain districts. When  
the arrangements are completed there will  
be no possibility of a break down. From  
the far West to the far East men will be  
in readiness to take the message from the  
hands of the last rider. As there will be  
seventy or more of these, no chances will

be taken on the failure of one to come to  
time. Substitute riders will be appointed,  
so in the event of sickness or accident to  
any rider the record will not suffer. Local  
wheelmen all along the route will  
honor the one distinguished as the trans-  
continental messenger, and club riders will  
be inaugurated to accompany the rider and  
help him on his way. The clubs along the  
route will be particularly interested, and  
their rivalry may be depended on to make  
the relay extremely successful.



line which has ever been undertaken is due  
to this notion. The United States wants to  
know how long it would take if the ordinary  
means of communication were interrupted  
to send a packet from end to end of our  
country.

The great Journal-Examiner bicycle relay,  
which will take place early in July, will an-  
swer the Government's question. The title

shortest route across the continent will  
probably be picked out. The country will  
be divided into something like seventeen  
districts, each district to be under the com-  
mand of a division commander, who will  
determine the length of the relays and the  
men who will have the honor of transmit-  
ting the message across the continent.

When the scheme was first suggested the

ascertain what can be done under ordinary  
circumstances rather than to make a record.  
The distance to be traversed will probably  
be about 3,500 miles, and as to the time  
that will be consumed in bringing the mes-  
sage from ocean to ocean, there have been  
all sorts of estimates. The more  
sanguine people are confident that it  
will be done under fifteen days, but  
riders generally, thinking of the long, hard  
grades, the night riding, the inevitable acci-

woman, made a journey from New York to  
San Francisco in fifty days, and this was  
considered rather remarkable. Of course,  
this was a trip without relays, and the  
party did not travel at night. When it  
comes to a wheel propelled by an expert  
and going twenty-four hours out of the  
twenty-four, a record will be made that  
will cause people who do not realize what  
can be done with a bicycle to stare.

Experts all over the country are arrang-

be taken on the failure of one to come to  
time. Substitute riders will be appointed,  
so in the event of sickness or accident to  
any rider the record will not suffer. Local  
wheelmen all along the route will  
honor the one distinguished as the trans-  
continental messenger, and club riders will  
be inaugurated to accompany the rider and  
help him on his way. The clubs along the  
route will be particularly interested, and  
their rivalry may be depended on to make  
the relay extremely successful.

MIGHT HAVE STOPPED  
MORRIS PARK RACES,

Water Company Said to Have  
Threatened to Shut Off  
the Supply.

Racing Association Gets an Injun-  
ction Preventing Such  
Action.

## TROUBLE DUE TO UNPAID BILLS.

Lessees of the Track Say the Pressure  
Is Below That Specified by Contract  
and Refuse Full Payment.

There was much apprehension among the  
officers and other individuals connected  
with the Westchester Racing Association  
last Saturday, and while Justice Truax,  
sitting in Supreme Court, Chambers, dis-  
missed this apprehension as much as a  
court of law can give confidence to the  
human mind, it was not until August  
Belmont and Treasurer Coddington saw  
the water running at Morris Park yester-  
day afternoon that they regained their nor-  
mal composure.

The cause of all this was the legal quar-  
rel which has arisen between the Van  
Ness Land and Improvement Company and  
the New York and Westchester Water  
Company. Had the water company carried  
out the threats which it is alleged to have  
made, the result might have been serious.  
As it is, the storm has not entirely blown  
over. The water company, it is claimed,  
threatened to shut off the water supply  
at Morris Park on May 12—yesterday.

It was in 1891 that the old New York  
Jockey Club, of which the late J. A. Morris  
was practically the owner, entered into a  
contract with the New York and West-  
chester Water Company. By the terms of  
this contract the company was to furnish  
the Morris Park track and grounds with  
an ample water supply at a cost of \$5,000  
a year. It was stipulated that each of the  
sixty-eight fire hydrants on the premises  
was to be supplied with a water pressure  
of not less than 55 pounds to the square  
inch.

The water company entered upon its con-  
tract January 1, 1892, and the Jockey Club  
now claims, as does the legal successor,  
the Van Ness Land and Improvement Company,  
and this company's lessee, the Westchester  
Racing Company, that the "water furnished  
has generally been poor and unwholesome,  
and that Morris Park has been given  
the protection from fire guaranteed under  
the provisions of the contract. The owners  
of the park now claim that from January  
1, 1892, up to the present time, more have  
been occasions when there was no water  
supply; that at other times there has  
been but 20 pounds of pressure, and at  
others but 40 pounds of pressure. Then  
they make the more circumstantial state-  
ment that in this period the pressure has  
been below that stipulated in the contract  
fully one-third of the time.

When the water company's bills for 1892  
and 1893 were presented, the owners of the  
track, making the claims above recited,  
compromised by paying one-half of the  
bill of \$10,000. When recently the water  
company demanded the payment of \$10,000  
for the water furnished during the years  
1894 and 1895, the Van Ness Land and  
Improvement Company refused to pay the  
entire amount for the same reasons as  
were advanced before. The sum of \$3,000  
a year—a total of \$6,000—was offered as  
a representative of the water company, but  
was refused.

A short time since, so it is alleged by  
Lawyer Cruikshank, of the law firm of  
Atwater & Cruikshank, of No. 115 Broad-  
way, Moses R. Crow, who is said to be  
largely interested in the water company,  
said threateningly to Treasurer Charles E.  
Coddington, of the Land and Improvement  
Company:

"We'll fix you. We'll shut off the water  
on May 12, the day the Morris Park race  
meeting opens."

Thoroughly alarmed, and realizing the  
peril to life and property which the ful-  
fillment of such a threat would entail, Mr.  
Coddington at once consulted the com-  
pany's attorneys, Messrs. Atwater & Cruik-  
shank, with the result that Justice Truax  
was asked to issue a temporary injunction  
restraining the water company from shut-  
ting off the supply. Justice Truax there-  
fore granted the injunction and will give  
a hearing Friday on the question of mak-  
ing the injunction permanent.

In speaking of the matter yesterday Mr.  
Cruikshank said:

"I am convinced that my clients are right  
in this matter, for everything seems to  
show that the New York and Westchester  
Water Company did not fulfill its contract,  
either with the former or the present own-  
ers of the Morris Park property. The Van  
Ness company took possession of the park  
upon the death of Mr. Morris and then  
leased it to the new Westchester Racing  
Association. This association, by the terms  
of its lease, was to pay over the water  
rental of \$5,000 a year to the Van Ness  
company, which was, in turn, to pay the  
rental to the Westchester Water Company.

When the Van Ness company called upon  
the racing association to pay the bill, the  
secretary of the association refused to do  
so, entering a vigorous complaint both as  
to the quality of water furnished and the  
pressure. In fact, we claim that for 275  
days in 1894 and 1895 no water was sup-  
plied the park. In view of this there was  
nothing for our clients to do but to refuse  
payment of the bill in its entirety. The  
water company had confessed its partial  
failure to fulfill its contract by accepting  
50 per cent of its claim for the years 1892  
and 1893. My clients, however, did not  
repudiate the entire bill of \$10,000, but  
offered the sum of \$5,000 for the two years,  
or \$1,000 more than they paid for prac-  
tically the same service as that of 1892  
and 1893.

"Matters might have gone along indefi-  
nitely had not Mr. Crow uttered his threat  
to Mr. Coddington."

Horace Walked on Moran's Face.  
Officer Moran, of the Central Park Mount-  
ed Police, was badly injured yesterday fore-  
noon on the Boulevard in Pelham Bay Park.  
His horse became frightened at a steam  
roller, and fell back upon him. Before  
he could extricate himself it had  
trampled on his face and body, cutting and  
bruising his cheek and forehead, and in-  
juring his left shoulder. The officer will be  
unable to do service for several days.